



BILLING CODE 6717-01-P
DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

Birch Power Company

Project No. 13102-003 - Alabama
Demopolis Lock and Dam
Hydroelectric Project

NOTICE OF PROPOSED RESTRICTED SERVICE LIST
FOR A PROGRAMMATIC AGREEMENT

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR section 385.2010, provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding. The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Alabama Historical Commission (Alabama SHPO) and the Advisory Council on Historic Preservation (Advisory Council) pursuant to the Advisory Council's regulations, 36 CFR Part 800, implementing section 106 of the National Historic Preservation Act, *as amended*, (16 U.S.C. section 470f), to prepare a Programmatic Agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places that could be affected by issuance of a license for the Demopolis Lock and Dam Hydroelectric Project.

The Programmatic Agreement, when executed by the Commission and the Alabama SHPO, would satisfy the Commission's section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR section 800.13[e]). The Commission's responsibilities pursuant to section 106 for the project would be fulfilled through the Programmatic Agreement, which the Commission staff proposes to draft in consultation with certain parties listed below.

Birch Power Company, as applicant for the proposed Demopolis Hydroelectric Project, the U.S. Army Corps of Engineers, the Poarch Band of Creek Indians, Alabama-Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town, United Keetoowah Band of Cherokee Indians, Choctaw Nation of Oklahoma, Jena Band of Choctaw Indians, Muscogee (Creek) Nation, and Kialegee Tribal Town of the Muscogee (Creek) Nation have expressed an interest in this proceeding and are invited to participate in consultations to develop the Programmatic Agreement and to sign as a concurring party

to the Programmatic Agreement. For purposes of commenting on the Programmatic Agreement, we propose to restrict the service list for Project No. 13102-003 as follows:

John Eddins
Advisory Council on Historic
Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, N.W.,
Suite 803
Washington, D.C. 20004

Greg Rhinehart
Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36130-0900

Joseph Giliberti
U.S. Army Corps of Engineers
Mobile District
109 Saint Joseph Street, MS-PDEI
Mobile, AL 36628-0001

Nicholas E. Josten, Agent
Birch Power Company
2742 Saint Charles Avenue
Idaho Falls, ID 83404

Robert Thrower, THPO
Poarch Band of Creek Indians
5811 Jack Springs Road
Atmore, AL 36502

Bryant Celestine, THPO
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, TX 77351

Augustine Asbury
Alabama-Quassarte Tribal Town
P.O. Box 187
Wetumka, OK 74883

Lisa Baker, THPO
United Keetoowah Band of Cherokee
Indians
20525 S. Jules Valdez Road
Tahlequah, OK 74464

Dr. Ian Thompson, THPO
Choctaw Nation of Oklahoma
P.O. Box 1210
Durant, OK 74701

Johnnie Jacobs
Choctaw Nation of Oklahoma
P.O. Box 1210
Durant, OK 74701

Dana Masters, THPO
Jena Band of Choctaw Indians
P.O. Box 14
Jena, LA 71342

Emman Spain, THPO
Muscogee (Creek) Nation
P.O. Box 580
Okmulgee, OK 74447

Chief George Tiger or Representative
Kialegee Tribal Town of the
Muscogee (Creek) Nation
P.O. Box 146
Wetumpka, OK 74883

Any person on the official service list for the above-captioned proceedings may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. An original plus five copies of any such motion must be filed with the Secretary of the Commission (888 First Street, N.E., Washington, DC 20426) and must be served on each person whose name appears on the official service list. If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on the motion.

Dated: August 12, 2013

Kimberly D. Bose,
Secretary.

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